

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DISVISION**

GEORGE JOSEPH VERSTRAETE,

Plaintiff,

v

**Case No. 2:18-cv-10190-
Honorable Matthew F. Leitman**

**SUZANNE M. LATOUR, an individual,
ANGELA MARIE MCGUIRE, f/k/a
ANGELA SCHOENAUER, an individual;
PASSPORT U.S.A., INC., a Michigan
For Profit Corporation doing business as
PASSPORT PIZZA; MRJ FOOD GROUP, INC.,
A Michigan For Profit Corporation doing business as PASSPORT PIZZA;
Jointly and severally,**

Defendants.

_____/

**ROBERT A. KUHR, P.L.L.C.
By: Robert A. Kuhr, Esq., P31371
Attorneys for Defendants except Angela Schoenauer
45343 Market Street, Suite 200
Shelby Township, Michigan 48315
(586) 532-0520**

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**VERIFIED ANSWER OF DEFENDANTS SUZANNE M. LATOUR,
PASSPORT U.S.A, INC., & MRJ FOOD GROUP, INC. TO PLAINTIFF'S
COMPLAINT**

NOW COME, Defendants, **SUZANNE M. LATOUR, PASSPORT U.S.A., INC., a Michigan Corporation** and **MRJ FOOD GROUP, INC.**, by and through their attorneys, **ROBERT A. KUHR, PLLC**, and for their Verified Answer to Plaintiff's Complaint states unto this Honorable Court as follows:

1. Answering the allegations contained within paragraph one of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.
2. Answering the allegations contained within paragraph two of Plaintiff's Complaint, these Defendants admit that Defendant Suzanne M. LaTour is a resident of Macomb Township, Macomb County, State of Michigan. In further answer, these Defendants state unto this Honorable Court that Plaintiff has not adequately or properly defined whom is meant as Defendant Passport as "*Defendant Passport*" is not a party to this litigation.
3. Answering the allegations contained within paragraph three of Plaintiff's Complaint, these Defendants state unto this Honorable not Court that Plaintiff has not adequately or properly defined whom is meant as Defendant Passport as "*Defendant Passport*" is not a party to this litigation and, therefore, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, Defendants state unto this Honorable Court that the failure of Plaintiff to properly plead with specificity and definition as required by the Federal Rules of Civil Procedure has caused an impossibility for these Defendants. It is not the province of Defendants to guess or surmise what Plaintiff means. In further answer, Defendant Suzanne M. LaTour is an officer/owner of Defendants, Passport U.S.A., Inc. and MRJ Food Group, Inc.

4. Answering the allegations contained within paragraph four of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs as the same pertain to Defendant Schoenauer except insofar as to state unto this Honorable Court that for a period of time Defendant Schoenauer was employed by another entity. In further answer, these Defendants state unto this Honorable Court that Plaintiff has not adequately or properly defined whom is meant as Defendant Passport as "*Defendant Passport*" is not a party to this litigation and, therefore, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, Defendants state unto this Honorable Court that the failure of Plaintiff to properly plead with specificity and definition as required by the Federal Rules of Civil Procedure has caused an impossibility for these Defendants. It is not the province of Defendants to guess or surmise what Plaintiff means. In further answer these Defendants state unto this Honorable Court that Defendant Schoenauer never acted "*in concert*" with any of the listed Defendants herein at any period of time.
5. Answering the allegations contained within paragraph five of Plaintiff's Complaint, these Defendants admit that Michael Bischoff is the resident agent of Defendant Passport, U.S.A., Inc. and that the registered office for said Michigan corporation is located at 41831 Garfield Road in Clinton Township, Michigan.
6. Answering the allegations contained within paragraph six of Plaintiff's Complaint, these Defendants admit that Michael Bischoff is the resident agent of Defendant MRJ

Food Group, Inc., Inc. and that the registered office for said Michigan corporation is located at 46880 Hayes Road in Macomb Township, Michigan. In further answer, these Defendants state unto this Honorable Court that the remaining allegations of Plaintiff's paragraph six are denied as being untrue.

7. Answering the allegations contained within paragraph seven of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, these Defendants deny as untrue that there are any alias filings for said Defendants.
8. Answering the allegations contained within paragraph eight of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias which is non-existent and untrue thereby making the entirety of the allegations inarticulately set forth herein untrue.
9. Answering the allegations contained within paragraph nine of Plaintiff's Complaint, these Defendants deny the allegations in the manner and form alleged for the reason the same are untrue.
10. Answering the allegations contained within paragraph ten of Plaintiff's Complaint, these Defendants deny the allegations in the manner and form alleged for the reason the same are untrue.
11. Answering the allegations contained within paragraph eleven of Plaintiff's Complaint, these Defendants deny the allegations in the manner and form alleged for the reason the same are untrue. In further answer, these Defendants state unto this

- Honorable Court that there is no merit to Plaintiff's Complaint and the same should never have been filed.
12. Answering the allegations contained within paragraph twelve of Plaintiff's Complaint, these Defendants deny the allegations in the manner and form alleged for the reason the same are untrue. In further answer, these Defendants state unto this Honorable Court that there is no merit to Plaintiff's Complaint and the same should never have been filed.
13. Answering the allegations contained within paragraph thirteen of Plaintiff's Complaint, these Defendants deny the allegations in the manner and form alleged for the reason the same are untrue. In further answer, these Defendants state unto this Honorable Court that there is no merit to Plaintiff's Complaint and the same should never have been filed.

FACTUAL BACKGROUND

14. Answering the allegations contained within paragraph fourteen of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue.
15. Answering the allegations contained within paragraph fifteen of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging

both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue.

16. Answering the allegations contained within paragraph sixteen of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no concert of action as alleged.

17. Answering the allegations contained within paragraph seventeen of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue.

18. Answering the allegations contained within paragraph eighteen of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue.

19. Answering the allegations contained within paragraph nineteen of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue.

In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue.

20. Answering the allegations contained within paragraph twenty of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue.

21. Answering the allegations contained within paragraph twenty one of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.

22. Answering the allegations contained within paragraph twenty two of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately

set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

23. Answering the allegations contained within paragraph twenty three of Plaintiff’s Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

24. Answering the allegations contained within paragraph twenty four of Plaintiff’s Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

25. Answering the allegations contained within paragraph twenty five of Plaintiff’s Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

26. Answering the allegations contained within paragraph twenty six of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.
27. Answering the allegations contained within paragraph twenty seven of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.
28. Answering the allegations contained within paragraph twenty eight of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.
29. Answering the allegations contained within paragraph twenty nine of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue.

In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

30. Answering the allegations contained within paragraph thirty of Plaintiff’s Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

31. Answering the allegations contained within paragraph thirty one of Plaintiff’s Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

32. Answering the allegations contained within paragraph thirty two of Plaintiff’s Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.

33. (a) – (i) Answering the allegations contained within paragraph thirty three (a) – (i) of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.
34. Answering the allegations contained within paragraph thirty four of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.
35. Answering the allegations contained within paragraph thirty five of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.
36. Answering the allegations contained within paragraph thirty six of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.

37. Answering the allegations contained within paragraph thirty seven of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.
38. Answering the allegations contained within paragraph thirty six of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.
39. Answering the allegations contained within paragraph thirty nine of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.
40. Answering the allegations contained within paragraph forty of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.

41. Answering the allegations contained within paragraph forty one of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.
42. Answering the allegations contained within paragraph forty two of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.
43. Answering the allegations contained within paragraph forty three of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, these Defendants state unto this Honorable Court that Plaintiff has previously and in this matter admitted to taking property from his past employment which was not his to take in violation of both employment policy and restrictions and the law.
44. Answering the allegations contained within paragraph forty four of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately

set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

45. Answering the allegations contained within paragraph forty five of Plaintiff’s Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.

46. Answering the allegations contained within paragraph forty six of Plaintiff’s Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

47. Answering the allegations contained within paragraph forty seven of Plaintiff’s Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.

48. Answering the allegations contained within paragraph forty eight of Plaintiff’s Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, at no time did Plaintiff’s counsel “*serve*” anything.

49. Answering the allegations contained within paragraph forty nine of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.
50. Answering the allegations contained within paragraph fifty of Plaintiff's Complaint, these Defendants deny the allegations in the manner and form alleged for the reason the same are untrue. In further answer, Plaintiff has intentionally misstated the role of Michael Grazoni, Esq.
51. Answering the allegations contained within paragraph fifty one of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, whatever action was taken by the 40th Judicial District Court and the reasons for such action are the province of the 40th Judicial District Court.
52. Answering the allegations contained within paragraph fifty two of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, whatever action was taken by the 40th Judicial District Court and the reasons for such action are the province of the 40th Judicial District Court.
53. Answering the allegations contained within paragraph fifty three of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves

Plaintiff to his strict proofs. In further answer, the allegations made herein are inarticulate.

54. Answering the allegations contained within paragraph fifty four of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs as to the knowledge of Plaintiffs. In further answer, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.

55. Answering the allegations contained within paragraph fifty five of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.

56. Answering the allegations contained within paragraph fifty six of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging

both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

57. Answering the allegations contained within paragraph fifty seven of Plaintiff’s Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no “*plan*” as alleged by Plaintiff.

58. Answering the allegations contained within paragraph fifty eight of Plaintiff’s Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.

59. Answering the allegations contained within paragraph fifty nine of Plaintiff’s Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, these Defendants state that Plaintiff has just admitted to a crime by claiming that he had taken proprietary information from his employer from his past employment without prior permission or authority to do so.

60. Answering the allegations contained within paragraph sixty of Plaintiff’s Complaint, these Defendants neither admit nor deny the allegations in the manner and form

alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, in view of the meritless and frivolous actions taken in the 40th Judicial District Court by said counsel it is impossible to know if said counsel was prepared to engage in anything.

61. Answering the allegations contained within paragraph sixty one of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, whatever action was taken in the 40th Judicial District Court and the reasons for such action are the province of the 40th Judicial District Court and the participants therein.

62. Answering the allegations contained within paragraph sixty two of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs. In further answer, whatever action was taken by the 40th Judicial District Court and the reasons for such action are the province of the 40th Judicial District Court.

63. Answering the allegations contained within paragraph sixth three of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff. To the extent that Plaintiff

claims Defendants were not honest, those allegations are denied as being wholly untrue.

64. Answering the allegations contained within paragraph sixty four of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.

65. Answering the allegations contained within paragraph sixty five of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" or "*joint endeavor*" as alleged by Plaintiff.

66. Answering the allegations contained within paragraph sixty six of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.

67. Answering the allegations contained within paragraph sixty seven of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*plan*" as alleged by Plaintiff.

68. Answering the allegations contained within paragraph sixty eight of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, these Defendants state unto this Honorable Court that there was no "*trick*" as alleged by Plaintiff.

69. Answering the allegations contained within paragraph sixty nine of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue. In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue.

70. Answering the allegations contained within paragraph seventy of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.

71. Answering the allegations contained within paragraph seventy one of Plaintiff's Complaint, these Defendants deny the allegations for the reason the same are untrue.

In further answer, Plaintiff has impermissibly referred to these Defendants through the moniker of an alleged alias, which is non-existent and untrue as well as merging both Defendants into one, thereby making the entirety of the allegations inarticulately set forth herein untrue.

72. Answering the allegations contained within paragraph seventy two of Plaintiff's Complaint, these Defendants neither admit nor deny the allegations in the manner and form alleged for lack of sufficient information upon which to form a belief and leaves Plaintiff to his strict proofs.

COUNT I

VIOLATIONS OF FAIR LABOR STANDARDS ACT OF 1938

73. Answering the allegations contained within paragraph seventy three of Plaintiff's Complaint, these Defendants herein adopt and incorporate by reference each and every response to the allegations contained within paragraphs one (1) through seventy two (72) above inclusive as if set forth more fully herein.

74. Answering the allegations contained within paragraph seventy four of Plaintiff's Complaint, these Defendants deny the allegations in the manner and form alleged for the reason the same are untrue.

75. Answering the allegations contained within paragraph seventy five of Plaintiff's Complaint, these Defendants deny the allegations in the manner and form alleged for the reason the same are untrue.

WHEREFORE, Defendants, **SUZANNE M. LATOUR, PASSPORT U.S.A., INC.** and **MRJ FOOD GROUP, INC.**, respectfully request that this Honorable Court dismiss Plaintiff's Complaint, with prejudice and/or enter a Judgment of No Cause for

Action upon the same together with an award of costs, actual attorney fees, sanctions and exemplary damages as provided by statute and court rule and further grant these Defendants the following further and additional relief:

- A.** Enter a Judgment in favor of these Defendants and against Plaintiff, dismissing Plaintiff's Complaint, with prejudice;
- B.** Award these Defendants their costs, actual attorney fees, punitive and exemplary damages incurred as well as an award of sanctions pursuant to statute, court rules and any Counter Complaint filed herein;
- C.** An award of mandatory sanctions pursuant to FRCP 14.

Respectfully submitted,

ROBERT A. KUHR, P.L.L.C.

/s/ Robert A. Kuhr

**By: Robert A. Kuhr, P31371
Attorneys for Defendants LaTour,
Passport U.S.A., Inc. and MRJ Food
Group, Inc.
45343 Market Street, Suite 200
Shelby Township, Michigan 48315
(586) 532-0520**

Dated: April 2, 2018

VERIFICATION

I declare that the statements above are true to the best of my information, knowledge and belief.

/s/ Suzanne M. LaTour

**Suzanne M. LaTour, individually and
For Passport U.S.A., Inc. and MRJ Food
Group, Inc.**

RELIANCE ON JURY DEMAND

NOW COME, Defendants, **SUZANNE M. LATOUR, PASSPORT U.S.A., INC., a Michigan Corporation** and **MRJ FOOD GROUP, INC.**, by and through their attorneys, **ROBERT A. KUHR, PLLC**, and hereby Rely upon the Jury Demand a trial by jury of all issues and causes stated in any complaint, answer thereto, counter complaint, answer thereto, cross complaint, answer thereto, third party complaint, answer thereto and any and all amendments thereof as well as all affirmative and special defenses.

Respectfully submitted,

ROBERT A. KUHR, P.L.L.C.

/s/ Robert A. Kuhr

By: Robert A. Kuhr, P31371
Attorneys for Defendants LaTour,
Passport U.S.A., Inc. and MRJ Food
Group, Inc.
45343 Market Street, Suite 200
Shelby Township, Michigan 48315
(586) 532-0520

Dated: May 8, 2018

NOTICE OF SPECIAL AND/OR AFFIRMATIVE DEFENSES

AND DEMAND FOR REPLY

NOW COME, Defendants, **SUZANNE M. LATOUR, PASSPORT U.S.A., INC., a Michigan Corporation** and **MRJ FOOD GROUP, INC.**, by and through their attorneys, **ROBERT A. KUHR, PLLC**, and for their Notice of Special and/or Affirmative Defenses state unto this Honorable Court as follows that at the trial of this cause and upon proof by Plaintiff of the facts alleged in the Complaint, then, these Defendants will assert and establish:

1. That Plaintiffs' Complaint fails to state a cause of action against these Defendants upon which relief can be granted.

2. That there are no genuine issues as to any material fact and as such, these Defendants herein are entitled to judgment as a matter of law.

3. That notice is hereby given that a motion for summary disposition will be filed premised upon FRCP 56 and the grounds contained therein and a motion for dismissal will be filed premised upon FRCP 16 and the grounds contained therein.

4. That these Defendants herein hereby reserve their right to amend, alter, or modify their affirmative defenses as a later point in time, said reservation being necessary for the reason that Plaintiff's Complaint is conclusory and lacks the necessary specificity such that these Defendants are unable to ascertain the claims that are being made against them.

5. That Plaintiff's claims may be barred in whole or in part because of release, payment, prior judgment, statute of limitations, immunity granted by law, statute of frauds, assignment, failure to mitigate damages, lack of jurisdiction over the subject matter, or other disposition of the claims prior to the commencement of this action.

6. That any and all damages allegedly suffered by the Plaintiff were caused in whole or in part by the Plaintiff's own failures and/or intentional acts and/or ultra vires or illegal acts.

7. That the Plaintiff has failed to mitigate his damages.

8. That Plaintiff knew or reasonably should have known that the entirety of this complaint is barred by federal law.

9. That the unclean hands of Plaintiff acts as a bar to any recovery by Plaintiff hereunder.

10. That the Plaintiff herein has acted in bad faith.

11. That Plaintiff may not properly bring suit for the purposes set forth in the Complaint filed by Plaintiff and under the statutory scheme alleged.

12. That part or all of the damages sought by Plaintiff may not be recoverable under applicable law. Furthermore, this litigation is barred by testimonial and/or witness immunity.

13. That Plaintiff may be prevented from proceeding hereunder by administrative limitations imposed by law.

14. These Defendants herein reserve the right to expand and enlarge this Notice of Special and/or Affirmative Defenses to add other and additional affirmative and special defenses as discovery continues and moves forward and as the course of this litigation permit and reveal.

15. A reply to this Notice of Special and/or Affirmative Defenses is hereby demanded.

Respectfully submitted,

ROBERT A. KUHR, P.L.L.C.

/s/ Robert A. Kuhr

**By: Robert A. Kuhr, P31371
Attorneys for Defendants LaTour,
Passport U.S.A., Inc. and MRJ Food
Group, Inc.
45343 Market Street, Suite 200
Shelby Township, Michigan 48315
(586) 532-0520**

Dated: May 6, 2018

PROOF OF SERVICE

Mary Garofalo states that on May 8, 2018, she delivered a copy of Answer to Plaintiff's Complaint, Jury Demand, Notice of Special and/or Affirmative Defenses along with Proof of Service, by electronic service through the United States District Court for the Eastern District of Michigan electronic filing system to:

Solomon M. Radnor, Esq., Excolo Law, PLLC, 26700 Lahser Road, Suite 401, Southfield, Michigan 48033 .

I hereby certify that the above is true.

/s/ Mary S. Garofalo
Mary S. Garofalo